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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,265	04/22/2004	Patrice Cohen	753-B01.US	6445
<div>Patrice Cohen 5825 Durocher Outremont, QC H4N 2R1 CANADA</div>				
7590 01/09/2008			EXAMINER ELKINS, GARY E	
			ART UNIT 3782	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/829,265	Applicant(s) COHEN, PATRICE	
	Examiner Gary E. Elkins	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-113 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-113 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The amendment filed 24 August 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the description added to pages 7 and 8 describing the polyhedron as an icosahedron is not supported by the original disclosure. The drawings are unclear with respect to how many sides and vertices are being shown since the sides are being viewed at angles, i.e. the perspective is unclear. Also, there is no original description that the drawings are drawn to scale precluding a precise measurement of the angles between the sides.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

2. Claims 103-106 and 111 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. No original disclosure can be found to support formation of the polyhedron as an icosahedron as is now claimed.

3. Claims 110 and 111 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 110 is unclear with respect to how the securing media formed on one panel of each dimensional form as defined in claims 88 can be used to form a polyhedron as defined in claim 110 where they can be altered within the polyhedron to display different combinations of images.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 75-77, 88-93 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weissman in view of any one of Bennett, Gray or Greene et al. Weissman discloses all structure of the three dimensional form except formation of a securing media on one of the triangular panels. Each of Bennett, Gray and Greene et al teaches that it is known to make at least one panel of three dimensional form with a securing media for selective adherence to other three dimensional forms. It would have been obvious to substitute an adhering securing media for the securing media of Weissman as taught by any one of Bennett, Gray or Greene et al to provide easier and cheaper securement of the forms in Weissman.

6. Claims 84 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 75 and 88 above, and further in view of either Giacovas or Laskow. Modified Weissman evidences all structure of the claimed blank and form except a cover film for the adhesive surface on the one triangular surface. Each of Giacovas and Laskow teaches that it is known to make an adhesive surface with a cover film to protect the adhesive prior to initial use.

7. Claims 85 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 84 and 95 above, and further in view of Hollander and either Reese et al or Lisbon. Modified Weissman evidences all structure of the claimed blank and form except formation of the cover strip from a transparent material. Hollander teaches that it is known to make a container with images formed on the surfaces of the container. Each of Reese et al and Lisbon teaches that it is known to provide a transparent protective layer over images on a container. It would have been obvious to make the form in modified Weissman with images on the panels of the form as taught by Hollander to provide an aesthetic container and/or to provide advertisement or information. It would further have been obvious to make the protective strip in modified Weissman from a transparent material as taught by either Reese et al or Lisbon to allow viewing of the image on the panel through the protective tape.

8. Claims 78, 94, 98 and 102-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 75, 88 and 93 above, and further in view of Hollander. Modified Weissman discloses all claimed structure except one image on one of the faces of the form (cls. 78, 102-104), each of the triangular panels having an image thereon (cl. 94) and each image being different from each other (cl. 98). Hollander teaches that it is known to provide a different image on each face of a form. It would have been obvious to provide an image on each face of the form in Weissman as taught by Hollander to provide a visual advantage for the viewer. With respect to claim 104, it would further have been obvious to make the form in modified Weissman as an icosahedron as a mere selection of one form over another. It is believed that one of ordinary skill in this art has the ability to design an infinite variety of shapes

for the form by varying the angles and size of the overall connected forms. No patentable distinction is seen in selecting an icosahedron as compared to the shapes shown in Weissman.

9. Claims 79-81 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 78 and 94 above, and further in view of Wallach. Modified Weissman discloses all structure of the claimed blank and form except formation of an image on both sides of the blank (cl. 79), the images being the same (cls. 80, 97) or the images being different with respect to each other (cl. 81). Wallach teaches placement of different and like images on multiple sides of a blank, i.e. the indicia images are selected to be the same or different. With respect to claims 79-81, it would have been obvious to make an image on each side of the blank in modified Weissman where the image is selected to be the same or different as taught by Wallach as a mere selection of what indicia and/or visual message one wishes to send to the viewer. The selection of images whether they are alike or different to show a viewer is considered prima facie obvious to those skilled in this art. With respect to claim 81, it would have been obvious to make the image on each panel of the form the same image in modified Weissman would have been obvious in view of Wallach as a mere selection of what one wishes to display.

10. Claims 82, 83, 99, 105 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 78, 94 and 104 above, and further in view of Hanson. Modified Weissman evidences all structure of the claimed blank and form except formation of the image as image portions formed on the panels where the image portions form a complete image portion. Hanson teaches that it is known to make a form with image portions extending around the panels of the form. It would have been obvious to make the images in modified

Weissman as parts of a complete image extending around the form or around the set of forms which come together to form the polyhedron as taught by Hanson. The concept of forming an image on multiple pieces of an object is well known. Notice is taken of the formation of jigsaw puzzles, pictures extending around buildings, books with images pieces formed on separate adjacent pages of the book that can form another image when the pages are folded together, the picture of peas extending around the form in Hanson, etc.

11. Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 75 above, and further in view of Mustoe. Modified Weissman discloses all structure of the claimed blank except an adhesive strip on one of the flaps. Mustoe teaches that it is known to secure sidewall panels of a form using glue flaps. It would have been obvious to substitute glue flaps for interlocking flaps in modified Weissman as taught by Mustoe since adhesive provides a more secure connection.

12. Claim 101 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 88 above, and further in view of Crowell (fig. 24 emb). Modified Weissman discloses all structure of the claimed form except formation of the form from a collectable recreation card. Crowell teaches that it is known to make the blank of a form from a collectable recreation card. It would have been obvious to make the form in modified Weissman as a collectable recreation card as taught by Crowell to provide an additional use for the form.

13. Claim 87 and 107-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 78 above, and further in view of Crowell (fig. 24 emb). Modified Weissman discloses all structure of the claimed form except formation of the form from a collectable recreation card. Crowell teaches that it is known to make the blank of a form from a

collectable recreation card. It would have been obvious to make the form in modified Weissman as a collectable recreation card as taught by Crowell to provide an additional use for the form. With respect to claim 108, it would further have been obvious to form a portion of an image on one panel and an image for fun or recreation on another panel as a mere selection of what one wishes to display. There are an infinite number of images for fun and/or for information available for display. The mere selection of a partial image or a fun image is within the level of skill in this art.

14. Claim 112 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 87 above, and further in view of either Paige or Kner. Modified Weissman evidences all structure of the claimed kit except instructions on how to fold the recreation card. Each of Paige and Kner teaches that it is known to provide instructions for folding a blank into a form. It would have been obvious to provide the forms in modified Weissman with erection instructions as taught by either Paige or Kner to help the user to make the forms. With respect to claim 113, official notice is taken that it is known to mass produce a plurality of blanks/cards and to ship and sell pluralities of blanks as a package. It would have been obvious to combine at least two blanks/cards along with instructions in modified Weissman in view of well known concept of mass production and selling of blanks/cards since such production and retail is economically more feasible.

Allowable Subject Matter

15. Claim 110, as best understood in view of paragraph 3 above, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

16. Applicant's arguments filed 24 August 2007 have been fully considered but they are not persuasive.

The remarks emphasize the formation of a portrait printed on at least one of the triangular panels and another panel with an image portion printed thereon as well as the concept of forming image portions on the panels of the polyhedron. The remarks also emphasize the selection of the number of faces being used to display the images or image portions. In response, the selection of the specific image one wishes to show is well within the level of skill in this art. There are infinite variety of possible images one can place most anywhere. The issue is whether one of ordinary skill in this art would have found it obvious to pick and choose, e.g. a portrait or fun image or any other image one can imagine. Given the prior art showing of combining image portions on different faces of a form to make a whole image as well as the other showings of a form including various types of images, it cannot be seen that the selection of a portrait or recreational image would have been outside the level of skill in this art.

With respect to the newly added limitation in claims 75 and 88 regarding the formation of one of the triangular panels with a securing media so that one form could be adhered to one other form, the newly cited prior art as applied above evidences the concept.

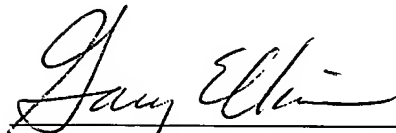
Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



Gary Elkins (571) 272-4537
Primary Examiner, Art Unit 3782

January 7, 2008

Additional Phone Numbers:
Supervisor Nathan Newhouse: (571) 272-4544
Official Fax: (571) 272-8300